

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELISSA GIBBS,

Plaintiff,

Case No. 12-cv-14643

HON. GERSHWIN A. DRAIN

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION [#16],
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [#10], DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [#15], AND REMANDING
THE CASE FOR AN AWARD OF BENEFITS**

On October 19, 2012, Plaintiff filed a Complaint for judicial review following an adverse decision of the Commissioner of Social Security. The matter was referred to Magistrate Judge Charles E. Binder, who issued a Report and Recommendation on August 26, 2013. Magistrate Judge Binder recommended that Plaintiff's Motion for Summary Judgment be granted and Defendant's Motion for Summary Judgment be denied because "the absence of objective medical evidence to support a diagnosis of fibromyalgia or its severity is irrelevant." *Kalmbach v. Comm'r of Soc. Sec.*, 409 F. App'x 852, 863-64 (6th Cir. 2011). No objections have been filed to the Report and Recommendation. The Court has reviewed the Report and Recommendation, and in the absence of any timely objection,

The Court hereby adopts Magistrate Judge Binder's August 26, 2013 Report and Recommendation [#16] in its entirety. Plaintiff's Motion for Summary Judgment [#10] is GRANTED. Defendant's Motion for Summary Judgment [#15] is DENIED. Plaintiff's claim is hereby REMANDED FOR AWARD OF BENEFITS.

SO ORDERED.

Dated: September 26, 2013

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE